



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 13 2017

Mavis Busiek

Springfield, MO 65809

RE: MUR 7047

Dear Ms. Busiek:

The Federal Election Commission reviewed the allegations in your complaint received on April 21, 2016. On April 5, 2017, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close its file in this matter. Accordingly, the Commission closed its file in this matter on April 5, 2017.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). A copy of the dispositive General Counsel's Response is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

RECEIVED
FEB 27 2017
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MURs: 7045/7047

Respondents: Matthew Canovi **CELA**
Canovi for Congress,
and Cary Wells, as treasurer
(collectively the "Committee")¹

Complaints Receipt Date: April 21, 2016
Response Dates: May 5, 2016; May 10, 2016

EPS Rating: 7

Alleged Statutory/
Regulatory Violations:

52 U.S.C. § 30120(a)(1), (c)
11 C.F.R. § 110.11(a)(1), (b)(1), (c)(1)-(2)

The Complaints allege that the Committee's website² and campaign literature lacked disclaimers. The Committee responds that it was inexperienced, it was unaware that disclaimers were necessary,³ and that it has corrected the problems.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These

¹ Canovi was a candidate for the U.S. House of Representatives in the 7th District of Missouri, although he did not file a Statement of Candidacy with the Commission, nor did the Committee file a Statement of Organization. There is, however, insufficient information as to whether Canovi met the definition of a candidate under 52 U.S.C. § 30101(2), and we do not believe it is an efficient use of agency resources to look into this issue further. Public records show that Canovi appeared on the ballot for the primary election on August 2, 2016, in which he received just under 9% of the vote. See <http://enrarchives.sos.mo.gov/enrnet/> (last accessed February 27, 2017). Although there is insufficient information to determine if Canovi met the definition of a candidate under 52 U.S.C. § 30101(2), for purposes of this analysis, we treat this matter under the same standards as applied to registered congressional candidates.

² The MUR 7045 complaint alleges that the Committee's website lacks a disclaimer, but the only supporting information it supplies is the Committee's web address. The committee's website now contains a proper disclaimer. See <https://www.canoviforcongress.com> (last accessed February 27, 2017). The Complaints also attach photocopies of the campaign literature, which Complainant in MUR 7047 describes as a "push card." Although not entirely clear, this piece appears to be larger than a business card.

³ Whenever a political committee makes a disbursement for a communication through a mailing or general public political advertising, the Act and Commission regulations require that the communication shall clearly state that it has been paid for by the committee. 52 U.S.C. § 30120(a)(1). See also 11 C.F.R. § 110.11(a)(1), (b)(1). The disclaimer on any printed communication must be of sufficient type size to be clearly readable, and must be contained in a printed box set apart from the other contents of the communication. 52 U.S.C. § 30120(c)(1)-(2). See also 11 C.F.R. § 110.11(c)(2)(i)-(ii). Additionally, websites of political committees available to the general public must include a disclaimer clearly stating who paid for the communication. 52 U.S.C. § 30120(a)(1). See also 11 C.F.R. § 110.11(a)(1), (b)(1), (c)(1). Certain printed items are excepted from the disclaimer requirements. 11 C.F.R. § 110.11(f)(1).

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criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the committee's remedial action, and the fact that it is unlikely the general public would have been misled as to who was responsible for the campaign literature or the website, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel

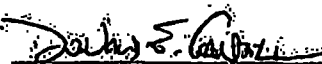
2.27.17

Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney